IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLN.NO.665 OF 2007

Shri.Yusuf Azad Irani and
Anr. ..Applicants

Vs.

State of Maharashtra ..Respondents

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Mr.D.C.Mishra counsel for applicants
Mrs.A.S.Pai A.P.P. for the State

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CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : MARCH 20, 2007

P.C.

1. Heard the learned counsel for the applicants and the learned A.P.P. for the State.

2. The applicants are seeking anticipatory bail in C.R.No.I-400 of 2006 of Mahatma Phule Police Station. It is the prosecution case that the son of applicant assaulted the husband of complainant on his head with iron rod and the applicants and other accused assaulted the husband of the complainant and other witnesses Banu Irani, Nawba Irani with fist and kick blows. In the said incident, Mr.Azam Irani suffered fracture of the

occipital bone. The name of the applicant and his role is mentioned in the F.I.R.

3. As stated earlier, the applicants have been named in the F.I.R. In my view, the material collected by the prosecution in the present case is such as to point out an accusing finger towards the present applicant. The Apex Court has observed in the decision of the **Directorate of Enforcement Vs. P.V.Prabhakar Rao reported in 1997 S.C.C. (Cri.) 978** that when the material gathered by the prosecution is such that it points out an accusing finger towards the accused, it is not a fit case to grant anticipatory bail.

4. At this stage, Mr.D.C.Mishra, the learned counsel for the applicant has submitted that the applicant is suffering from head injury and diabetes due to which he is hospitalised. Hence, he prayed that applicant be granted anticipatory bail on this ground. I do not think that this can be a good ground to grant anticipatory bail to the applicant. The medical certificate does not mention that the injury is serious. Hence, the prayer of the applicants for anticipatory bail on

medical ground, is also rejected. Needless to say that Investigating Agency will provide all the necessary medical care and facility to the applicants if and when necessary.

5. In view of the above, application for anticipatory bail, is rejected.

[V.K.Tahilramani, J.]